



**4334-12**

**DEPARTMENT OF THE INTERIOR**

**Office of the Secretary**

**43 CFR Part 2**

**RIN 1090-AB10**

**Privacy Act Regulations; Exemption for the Indian Arts and Crafts Board**

**[156D0102DM/ DS10700000/ DMSN00000.000000/ DX.10701.CEN00000]**

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Interior is issuing a final rule to amend its regulations to exempt certain records in the Indian Arts and Crafts Board system of records from one or more provisions of the Privacy Act because of criminal, civil, and administrative law enforcement requirements.

**DATES:** This final rule is effective [INSERT DATE 30 DAYS FROM PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Teri Barnett, Departmental Privacy Officer, U.S. Department of the Interior, 1849 C Street NW, Mail Stop 5547 MIB, Washington, DC 20240. E-mail at [Privacy@ios.doi.gov](mailto:Privacy@ios.doi.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The Department of the Interior (DOI) published a notice of proposed rulemaking in the Federal Register on May 14, 2015, 80 FR 27623, proposing to exempt certain records in the Indian Arts and Crafts Board system of records in accordance with 5 U.S.C. 552a(k)(2) of the Privacy Act because of criminal, civil, and administrative law enforcement requirements. The Indian Arts and Crafts Board system of records notice was published in the Federal Register on May 14, 2015, 80 FR 27700. Comments were invited on the Indian Arts and Crafts Board system of records notice and the notice of proposed rulemaking. DOI received no comments on the published system of records notice and one general comment on the notice of proposed rulemaking that required no revisions, and will therefore implement the rulemaking as proposed.

## **Procedural Requirements**

### **1. Regulatory Planning and Review (E.O. 12866).**

The Office of Management and Budget (OMB) has determined that this rule is not a significant rule and has not reviewed it under the requirements of Executive Order 12866. We have evaluated the impacts of the rule as required by E.O. 12866 and have determined that it does not meet the criteria for a significant regulatory action. The results of our evaluation are given below.

(a) This rule will not have an annual effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities.

(b) This rule would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(c) This rule does not alter the budgetary effects of entitlements, grants, user fees, concessions, loan programs, water contracts, management agreements, or the rights and obligations of their recipients.

(d) This rule does not raise any novel legal or policy issues.

## **2. Regulatory Flexibility Act.**

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.). This rule does not impose a requirement for small businesses to report or keep records on any of the requirements contained in this rule. The exemptions to the Privacy Act apply to individuals, and individuals are not covered entities under the Regulatory Flexibility Act.

## **3. Small Business Regulatory Enforcement Fairness Act (SBREFA).**

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- (a) Does not have an annual effect on the economy of \$100 million or more.
- (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises.

## **4. Unfunded Mandates Reform Act.**

This rule does not impose an unfunded mandate on State, local, or tribal governments in the aggregate, or on the private sector, of more than \$100 million per

year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. This rule makes only minor changes to 43 CFR part 2. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 et seq.) is not required.

#### **5. Takings (E.O. 12630).**

In accordance with Executive Order 12630, the rule does not have significant takings implications. This rule makes only minor changes to 43 CFR part 2. A takings implication assessment is not required.

#### **6. Federalism (E.O. 13132).**

In accordance with Executive Order 13132, this rule does not have any federalism implications to warrant the preparation of a Federalism Assessment. The rule is not associated with, nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. A Federalism Assessment is not required.

#### **7. Civil Justice Reform (E.O. 12988).**

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

- (a) Does not unduly burden the judicial system.
- (b) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (c) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

## **8. Consultation with Indian Tribes (E.O. 13175).**

In accordance with Executive Order 13175, the Department of the Interior has evaluated this rule and determined that it would have no substantial effects on Federally recognized Indian tribes.

## **9. Paperwork Reduction Act.**

This rule does not require an information collection from 10 or more parties and a submission under the Paperwork Reduction Act is not required.

## **10. National Environmental Policy Act.**

This rule does not constitute a major Federal action and would not have a significant effect on the quality of the human environment. Therefore, this rule does not require the preparation of an environmental assessment or environmental impact statement under the requirements of the National Environmental Policy Act of 1969.

## **11. Data Quality Act**

In developing this rule, there was no need to conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106-554).

## **12. Effects on Energy Supply (E.O. 13211).**

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

## **13. Clarity of this Regulation.**

We are required by Executive Order 12866 and 12988, the Plain Writing Act of 2010 (H.R. 946), and the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means each rule we publish must:

- Be logically organized;

- Use the active voice to address readers directly;
- Use clear language rather than jargon;
- Be divided into short sections and sentences; and
- Use lists and table wherever possible.

**List of Subjects in 43 CFR Part 2:**

Administrative practice and procedure, Confidential information, Courts, Freedom of Information Act, Privacy Act.

**Dated:** July 21, 2015

**Signed:** Kristen J. Sarri

Principal Deputy Assistant Secretary for Policy, Management and Budget

For the reasons stated in the preamble, the Department of the Interior amends 43 CFR part 2 as follows:

**PART 2 - - FREEDOM OF INFORMATION ACT; RECORDS AND TESTIMONY**

1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 553; 31 U.S.C. 3717; 43 U.S.C. 1460, 1461.

2. Amend § 2.254 by adding paragraph (b)(17) to read as follows:

**§ 2.254 Exemptions.**

\* \* \* \* \*

(b) *Law enforcement records exempt under 5 U.S.C. 552a(k)(2).* Pursuant to 5 U.S.C.

552a(k)(2), the following systems of records have been exempted from paragraphs (c)(3),

(d), (e)(1), (e)(4) (G), (H), and (I), and (f) of 5 U.S.C. 552a and the provisions of the regulations in this subpart implementing these paragraphs:

\* \* \* \* \*

(17) Indian Arts and Crafts Board, DOI-24.

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